

UNITED STATES DISTRICT COURT
DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

SEP 30 2009

JAMES D. MCCORMACK, CLERK
By: *[Signature]* DEP. CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAVORA ASALGEN GILBERT,

Judgment Defendant,

VIVA USA, INC.,

Garnishee Defendant.

CAUSE NO. 4:06CR00040-05 JLH

AGREED FINAL ORDER IN GARNISHMENT

The parties, the United States of America, plaintiff; the judgment defendant, Pavora Asalgen Gilbert; and the garnishee defendant, Viva USA, Inc., agree and stipulate as follows:

1. The judgment defendant's name is Pavora Asalgen Gilbert, her Social Security Number is xxx-xx-3081, and her last known address is: 1024 East 16th Street, North Little Rock, Arkansas 72114.

2. A Judgment was entered against the judgment defendant, Pavora Asalgen Gilbert in this action in the amount of \$16,116.52. The total balance due on the Judgment is \$13,479.90, as of September 17, 2009.

3. The garnishee defendant, Viva USA, Inc., has, in its possession, custody or control, property of the judgment defendant in the form of wages paid to the judgment defendant, Pavora Asalgen Gilbert.

4. The judgment defendant, Pavora Asalgen Gilbert, waives service of an application for a writ of continuing garnishment pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. § 3205, and further waives her right to a hearing under the section 3205 and any other process to which the judgment defendant may be entitled under the Federal Debt Collection Procedures Act of 1990.

5. The garnishee defendant, Viva USA, Inc., waives service of an application for a writ of continuing garnishment pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. § 3205 and further waives its rights to answer and be heard in this matter and waives any other process to which the garnishee defendant may be entitled under the Federal Debt Collection Procedures Act of 1990.

6. The judgment defendant, Pavora Asalgen Gilbert, agrees and stipulates that her wages are subject to garnishment under section 3205 of the Federal Debt Collection Act, 28 U.S.C. §3205 and expressly agrees and stipulates that the entry of a Final Order in Garnishment is proper.

7. The parties therefore agree and stipulate to the entry of a final order in garnishment against the non-exempt wages of the judgment defendant, Pavora Asalgen Gilbert. It is expressly agreed and stipulated to, by the parties, that the garnishee defendant, Viva USA, Inc., shall pay into the hands of the United States Attorney, at least monthly, the Ten percent (10%) of judgment defendant's disposable earnings.

See 15 U.S.C. § 1673(a)

To calculate disposable earnings, subtract the following from wages, commissions, and income:

1. Federal Income Tax
2. Federal Social Security Tax;
3. Arkansas Income Tax;

8. The parties further agree and stipulate that these sums are to be applied upon the judgment rendered in this cause in the sum of \$16,116.52 upon which there is an unpaid balance of \$13,479.90 as of September 17, 2009. These deductions are to continue until the unpaid balance is fully paid and satisfied.

Checks should be made payable to:

U.S. DISTRICT COURT CLERK

and mailed to:

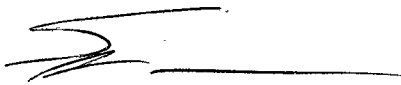
U.S. District Court Clerk
600 W. Capitol Avenue, Suite A149
Little Rock, AR 72201

9. This order shall take effect after all prior orders in garnishment have been satisfied.

Respectfully submitted,

Jane W. Duke
United States Attorney

By:


Stacey E. McCord
Assistant United States Attorney

 8/11/09
Pavora Asalgen Gilbert
Judgment Defendant


Viva USA, Inc.
Garnishee

APPROVED AND SO ORDERED this 30th day of Sept, 2009.


J. Leon Holmes
Judge, United States District Court